

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 9/24/2021

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CORNELIUS STUBBS,

Plaintiff,

-against-

DETECTIVE KEVIN MOORE,  
DETECTIVE PETER WICKER,  
DETECTIVE FRANCIS PIERRI,  
DETECTIVE CHRISTOPHER  
SAGER,

Defendants.  
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**SUPPLEMENTAL  
ORDER OF SERVICE**

20 CV 10800 (NSR)

NELSON S. ROMÁN, United States District Judge:

Plaintiff Cornelius Stubbs (“Plaintiff”), currently detained at the Orange County Jail, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his rights under the Fourth Amendment when they searched his home and seized his property without a warrant. The Court granted Plaintiff leave to proceed *in forma pauperis*. (ECF No. 5.) On February 12, 2021, the Court issued an order directing, *inter alia*, (1) the Attorney for the Town of New Windsor to assist the Plaintiff in ascertaining the identities of the John Does he seeks to sue and granting Plaintiff leave to file an amended complaint within 30 days of the Town Attorney’s response; and (2) directing the Clerk to issue summonses, complete the USM-285 forms with the addresses for Detective Kevin Moore and the Town of New Windsor.<sup>1</sup>

The Attorney for the Town of New Windsor filed a *Valentin* letter on March 4, 2021 (ECF No. 10); and Plaintiff filed and Amended Complaint on March 29, 2021 (ECF No. 11). The Amended Complaint names Detectives Kevin Moore, Francis Pierri, and Peter Wicker and Detective Sergeant Christopher Sager. It does not list the Town of New Windsor as a Defendant.

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<sup>1</sup>Summonses we issued as to Defendant Moore and the Town of New Windsor (ECF No. 8), and the Service Package regarding Defendant Moore and the Town of New Windsor was hand delivered to the Marshals on February 12, 2021; however, the dockets suggests that neither was served.

The Clerk of Court is directed to terminate the Town of New Windsor as a Defendant as of the date the Amended Complaint was filed, March 29, 2021, since the Amended Complaint does not list the Town of New Windsor as a Defendant.

To allow Plaintiff to effect service on Defendants Moore, Sager, Pierri, and Wicker through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these defendants (contact information attached). The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service of the Amended Complaint upon these Defendants.

Finally, the Clerk of Court is directed to mail a copy of this supplemental order of service to pro se Plaintiff at the address on ECF and to show service on the docket. Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN  
United States District Judge

Dated: September 24, 2021  
White Plains, New York

Detective Kevin Moore, Badge No. 77  
c/o Town Clerk  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Detective Sgt. Christopher Sager, Badge No. 61  
c/o Town Clerk  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Detective Peter Wicker, Badge No. 74  
c/o Town Clerk  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Detective Francis Pierri, Badge No. 72  
c/o Town Clerk  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553